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## Facsimile Transmission Form

Date: September 25, 2003

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From:	Keith M. Baxter	414.978.8719	414.277.5719
Re:	Serial No. 09/259,619 Filed March 1, 1999 Inventor: Timothy Labadie		

**Message: AGENDA (attached) FOR OCTOBER 8, 2003 CONFERENCE CALL AT 1:00 P.M. EST**

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**AGENDA FOR TELEPHONE CONFERENCE**

Date October 8, 2003, 1:00 PM EST

Participants: Examiner Ella Colbert, Keith M. Baxter (attorney of record),  
Timothy Labadie (inventor), Randy Salenfriend of assignee CrossCheck

Background

This case involves a computer system and business method allowing standard printed checks to be used for Internet purchases. Examiner Jeffrey Rossi in Unit 2165 initially prosecuted the case but then left the Patent Office and the case was transferred to Examiner Colbert.

Agenda Items:

The goal of this telephone conference is focus the issues that must be resolved before allowance of this application. Mr. Timothy Labadie will be available for questioning by the Examiner and is knowledgeable about the invention as well its commercial success. Generally, the Applicant would like to address the following issues:

*Dave  
Siembieda  
Randy  
Salenfriend*

1) Are there simple amendments to the claims that would eliminate any undue breadth? In the most recent Office Action, on page 11, section 20, paragraph 1, the Examiner suggests that the claim language may be unduly broad and may require additional clarification.

2) How do elements of the prior art match to elements of the claims? Applicant cannot currently establish a one-to-one matching between elements of the prior art and elements of the claims as they stand. Applicant believes that some single elements of the prior art are being applied to multiple elements of the claims and that some limitations of the claims, for example, "merchant" and "customer" may be being read out of the claims. Applicant hopes to understand better the current rejection.

3) What steps can be taken to correct the affidavit of commercial success? Applicant has submitted an affidavit of commercial success generally explaining how previous check truncation methods have not been suitable for the Internet and indicating the commercial success of CrossCheck's check processing service that follows the teachings of the current claims. Applicant would like to discuss changes or supplements to this affidavit that would establish non-obviousness to the Office's satisfaction, as we believe the facts support this conclusion.

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